THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.21333 of 2005

29.9.2006

Between:

Sri D.Venkata Jagannadha Raju, S/o. Satyanarayana Raju

... Petitioner

AND

The Chief Controlling Revenue Authority and
Commissioner, Inspector General of Registration and Stamps,
Andhra Pradesh, Hyderabad

And others

... Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.21333 of 2005

ORDER:

The petitioner filed the instant writ petition seeking a writ of Mandamus declaring the notification dated 07.3.2005 issued by the Government vide G.O.Ms.No.1000, dated 01.10.2003, under Section 22-A of the Registration Act, 1908 as amended by Registration (A.P.Amendment) Act, 1999, as unconstitutional and ultra vires. The petitioner also seeks a consequential direction to the respondents to register and release the documents presented by him in respect of land admeasuring Acs.2.71 in survey No.27/3, Acs.1.29 in survey No.27/1 and Acs.1.00 in survey No.27/3 situated at Kapuluppada Village of Bheemunipatnam Mandal in Visakhapatnam District.

In **State of Rajasthan v Basant Nahata**[1], the Supreme Court struck down the provision in the Act as amended by the State of Rajasthan as *ultra vires*. Following the same, a Division Bench of this Court in its judgment dated 07.12.2005 in W.P.Nos.14099 of 2003 and batch struck down Section 22-A of the Act as applicable in State of Andhra Pradesh. It is also brought to the notice of this Court that Special Leave Petition filed by the State Government against the said judgment was also dismissed by the Supreme Court on 11.8.2006. Therefore, the impugned order cannot be sustained.

Following the judgment of the Division Bench, this writ petition is disposed of, and the impugned notification in G.O.Ms.No.1000, dated

01.10.2003 is set aside. As and when the documents are presented by the petitioner, the Registering Authority shall accept the same for registration and if for any reasons, the same cannot be registered, record and furnish the reasons.

The writ petition, subject to the above observations, is accordingly disposed of. No costs.

September 29, 2006. (**V.V.S.RAO, J**)
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[1] (2005) 12 SCC 77 = 2005 AIR SCW 4456